

**UNITED STATES DISTRICT COURT,
MIDDLE DISTRICT OF TENNESSEE**

FEMHEALTH USA, INC., d/b/a CARAFEM,)	Civil Action No. 3:22-cv-00565
)	
Plaintiff,)	Judge William L. Campbell, Jr.
)	Magistrate Judge Jefferey S. Frensley
vs.)	
)	
RICKEY NELSON WILLIAMS, JR.;)	DEFENDANT HURLEY’S NOTICE OF
BEVELYN Z. WILLIAMS; EDMEE)	MOTION AND MOTION TO DISMISS
CHAVANNES; OPERATION SAVE)	
AMERICA; JASON STORMS; CHESTER)	
GALLAGHER; MATTHEW BROCK;)	
COLEMAN BOYD; FRANK “BO” LINAM;)	
BRENT BUCKLEY; and AJ HURLEY,)	
)	
Defendants.)	
)	
)	

NOTICE OF MOTION AND MOTION TO DISMISS

TO PLAINTIFF AND ITS ATTORNEY(S) OF RECORD:

PLEASE TAKE NOTICE THAT Defendant AJ Hurley, by and through counsel, moves this Court for entry of an order dismissing Plaintiff’s Amended Complaint, with prejudice, pursuant to Federal Rules of Civil Procedure Rules 12(b)(6) and 12(b)(1). Defendant respectfully requests that this Court dismiss the Amended Complaint for the following reasons, all based solely on the adequacy of Plaintiff’s pleading: (1) Plaintiff lacks standing to bring a claim under the Freedom of Access to Clinic Entrances Act, 18 U.S.C. 248 (“FACE”); (2) This Court Should Decline to Exercise Supplemental Jurisdiction Over the Plaintiff’s State Law Claims; (3) Plaintiff’s cause of action, alleging Trespass to Land, fails to allege facts sufficient to state a claim upon which relief may be granted; (4) Plaintiff’s cause of action, alleging Nuisance, fails to allege facts sufficient to state a claim for upon which relief may be granted. Defendant Hurley therefore requests that this Court dismiss Plaintiff’s Amended Complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).

The grounds for this motion are more fully set forth in the memorandum of law in support of the motion, filed simultaneously herewith.

Dated: November 1, 2022

Respectfully submitted,

/s/ Kristin Fecteau Mosher
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Counsel for Defendant AJ Hurley

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2022, the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, and that a copy of the foregoing will be sent electronically to all counsel of record by operation of the Court's CM/ECF system.

In addition, a true and correct copy of the foregoing will be served as follows:

Via CM/ECF Notice Steve Crampton Senior Counsel, Thomas More Society PO Box 4506 Tupelo, MS 38803 <i>Counsel for Defendants Operation Save America, Jason Storms, Matt Brock, Coleman Boyd, Frank "Bo" Linam, and Brent Buckley</i>	Via U.S. Mail Edmee Chavannes 9122 Integra Preserve Ct., #318 Ooltewah, TN 37363
Via CM/ECF Notice Larry Crain 5214 Maryland Way, Suite 402 Brentwood, TN 37027 <i>Counsel for Defendants Operation Save America, Jason Storms, Matt Brock, Coleman Boyd, Frank "Bo" Linam, and Brent Buckley</i>	Via U.S. Mail Bevelyn Z. Williams 9100 Integra Preserve Ct., #316 Ooltewah, TN 37363
Via CM/ECF Notice Sarah B. Miller Angela L. Bergman Allison Wiseman Acker Briana T. Sprick Schuster Bass, Berry & Sims PLC 150 Third Avenue South, Suite 2800 Nashville, TN 37201 <i>Attorneys for Plaintiffs</i>	Via U.S. Mail Rickey Nelson Williams, Jr. 9100 Integra Preserve Ct., #316 Ooltewah, TN 37363
Via U.S. Mail Chester "Chet" Gallagher 1145 Holloway Road Lebanon, TN 37090	Via U.S. Mail At The Well Ministries, Inc. c/o Bevelyn Williams, Registered Agent 9100 Integra Preserve Ct., #316 Ooltewah, TN 37363

/s/ Kristin Moser
Counsel for Defendant AJ Hurley